

RONNIE DALE WHITENER,)
)
Plaintiff,)
)
vs.)
)
THE RUTHERFORD COUNTY)
DETENTION CENTER, et al.,) **ORDER**
)
Defendants.)
)
_____)

The *pro se* Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983, the Federal Tort Claims Act (“FTCA”) and North Carolina law, addressing incidents that allegedly occurred while he was a pretrial detainee at the Rutherford County Detention Center.¹ [Doc. 1]. The Complaint passed initial review on claims against Defendants John Doe sergeant and two John Doe correctional officers, and the remaining claims were dismissed. [Doc. 16]. The Plaintiff was granted 30 days to amend the Complaint. He was informed that, if he failed to do so, the matter would

Case 1:21-cv-00048-MR Document 17 Filed 10/29/21 Page 1 of 3

proceed solely against the John Doe sergeant and two John Doe correctional officers as provided in the Order on initial review. [Id.].

The time to amend has expired, and no Amended Complaint has been filed. Therefore, the matter will proceed solely against the John Doe sergeant and two John Doe correctional officers as provided in the Order on initial review. In light of the Court's determination that this case passes initial review, the Plaintiff will be required to fill out and return summons forms for service of process on Defendants John Doe sergeant and two John Doe correctional officers within fourteen (14) days of this Order pursuant to Rule 4(e). Once the Court receives the completed summons forms, the Clerk shall then direct the USMS to effectuate service on Defendants John Doe sergeant and two John Doe correctional officers. Failure to timely comply with this Order will result in the dismissal of the relevant Defendant(s) from this action without prejudice and without further notice. Should the Plaintiff fail to return any of the summons forms, the action will be dismissed in its entirety without prejudice and without further notice.

IT IS, THEREFORE, ORDERED that:

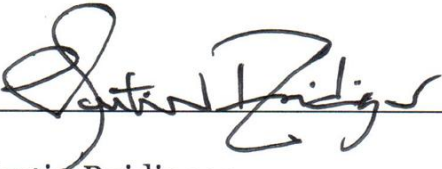
(1) The Plaintiff shall fill out and return summons forms for service of process on Defendants John Doe sergeant and two John Doe correctional officers within **fourteen (14) days** of this

Order. Failure to timely comply with this Order will result in the dismissal of the relevant Defendant(s), or the dismissal of this action in its entirety, without prejudice and without further notice.

- (2) The Clerk is respectfully instructed to mail summons forms to the Plaintiff for the Plaintiff to fill out and return for service of process on Defendants John Doe sergeant and two John Doe correctional officers. Once the Court receives the completed summons forms, the Clerk shall then direct the USMS to effectuate service on Defendants. The Clerk is respectfully instructed to note on the docket when the forms have been mailed to Plaintiff.

IT IS SO ORDERED.

Signed: October 29, 2021



Martin Reidinger
Chief United States District Judge

